

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PROFESSOR SAM WISE, DDS, MOM,
MSc, MDS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

Defendants.

CASE NO. 2:25-cv-00800-JNW

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER

This matter comes before the Court on pro se Plaintiff Dr. Sam Wise's Emergency Motion for Temporary Restraining Order (TRO). Dkt. No. 4. For the reasons explained below, the motion is DENIED.

1. BACKGROUND

Dr. Wise sued numerous federal and state defendants, including the Department of Justice, FBI, Washington State Department of Health (Washington DOH), Texas State Board of Dental Examiners, three state court judges (Hon. Lindsey R. Cotterell, Hon. Gary Bashor, and Hon. Judge Evans), and the Washington Court of Appeals, Division II. Dkt. No. 1 at 1. He asserts claims for

1 deprivation of his constitutional rights under 42 U.S.C. § 1983, conspiracy under 42
2 U.S.C. § 1985(2), whistleblower retaliation under 18 U.S.C. § 1513(e), civil RICO
3 violations, obstruction of FOIA access under 5 U.S.C. § 552, and various
4 Washington and Texas state-law claims. Dkt. No. 4 at 12–13.

5 According to Dr. Wise, his claims arise from alleged retaliation following his
6 federal whistleblower complaints filed in March 2025, and center on ongoing state
7 licensing proceedings against his dental license in both Washington and Texas. He
8 alleges that Washington DOH issued “sealed orders with no notice, service, or
9 jurisdiction” and that the Texas Board “reopened a dormant license case” in
10 retaliation for his protected disclosures. *Id.* at 3–4.

11 Dr. Wise seeks emergency relief enjoining Defendants from enforcing
12 licensing orders, retaliating through licensing channels, and concealing records. *Id.*
13 4–8.

14 2. DISCUSSION

15 2.1 Legal standard.

16 District courts have a duty to construe pro se pleadings liberally. *Erickson v.*
17 *Pardus*, 551 U.S. 89, 94 (2007). Even so, pro se litigants remain bound by the
18 procedural rules governing TROs and preliminary injunctions. *See Ghazali v.*
19 *Moran*, 46 F.3d 52, 54 (9th Cir. 1995).

20 To obtain a TRO, the moving party must serve all motion papers on the
21 nonmoving party unless the requirements of Rule 65(b)(1) are met. LCR 65(b)(1);
22 Fed. R. Civ. P. 65(b)(1). The Court may issue a TRO without notice to the adverse
23 party only if “specific facts in an affidavit or a verified complaint clearly show that

1 immediate and irreparable injury, loss, or damage will result to the movant before
2 the adverse party can be heard in opposition” and the movant certifies in writing
3 “any efforts made to give notice and the reasons why it should not be required.” Fed.
4 R. Civ. P. 65(b)(1); *see also* LCR 65(b)(1). “Motions for temporary restraining orders
5 without notice to and an opportunity to be heard by the adverse party are
6 disfavored and will rarely be granted.” LCR 65(b)(1).

7 **2.2 Plaintiff’s TRO motion fails for several reasons.**

8 Dr. Wise’s TRO motion fails to satisfy the procedural requirements of Rule
9 65(b) and Local Civil Rule 65(b)(1). The motion includes no certification indicating
10 notice given to any defendant. Dkt. No. 4. Nor does it address the standard for
11 issuance of a TRO without notice. Dr. Wise neither certifies “efforts made to give
12 notice” nor provides “reasons why it should not be required.” *See* Fed. R. Civ. P.
13 65(b)(1). The Certificate of Service shows he served the Court and emailed various
14 “oversight recipients,” with no indication that any defendants were served with or
15 given notice of the TRO motion. Dkt. No. 4 at 49–50.

16 On this record, the Court does not find that Dr. Wise’s case falls within those
17 “very few circumstances justifying the issuance of an ex parte TRO.” *See Reno Air*
18 *Racing Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006). He points to no
19 immediate injury requiring ex parte action. Thus, the Court finds no basis for
20 granting emergency relief before Defendants may be heard in opposition.

21 Even if the procedural requirements were satisfied, Dr. Wise is unlikely to
22 succeed on the merits of his claims for several reasons. For example, he sues three
23

1 state court judges and the Washington Court of Appeals for alleged violations of his
2 constitutional rights. But “[i]t is well settled that judges are generally immune from
3 suit for money damages.” *Lund v. Cowan*, 5 F.4th 964, 970 (9th Cir. 2021). And
4 “Section 1983 expressly immunizes judicial officers from injunctive relief for actions
5 taken in their judicial capacity ‘unless a declaratory decree was violated or
6 declaratory relief was unavailable.’” *Kamath v. Barmann*, No. 1:23-CV-00461 JLT
7 CDB, 2024 WL 2132607, at *7 (E.D. Cal. May 13, 2024) (quoting 42 U.S.C. § 1983).

8 As for the Washington Court of Appeals, it is an arm of the state. *See*
9 *Simmons v. Sacramento Cnty. Superior Ct.*, 318 F.3d 1156, 1161 (9th Cir. 2003)
10 (finding that Sacramento County Superior Court and its employees are arms of the
11 state for Eleventh Amendment purposes). But the Eleventh Amendment to the
12 United States Constitution bars, with limited exceptions, lawsuits by a citizen
13 against a state. *Id.* (“Plaintiff cannot state a claim against the Sacramento County
14 Superior Court (or its employees), because such suits are barred by the Eleventh
15 Amendment.”).

16 Additionally, Dr. Wise’s complaint appears to challenge ongoing state
17 administrative proceedings in both Washington and Texas. Federal courts generally
18 abstain from interfering with ongoing state proceedings under the *Younger*
19 abstention doctrine. *San Jose Silicon Valley Chamber of Com. Pol. Action*
20 *Committee v. City of San Jose*, 546 F.3d 1087, 1092 (9th Cir. 2008). *Younger*
21 abstention applies when: (1) the state proceeding is ongoing; (2) the proceeding
22 implicates important state interests; (3) there is an adequate opportunity in the
23

1 state proceedings to raise constitutional challenges; and (4) the federal court action
2 would enjoin the proceeding or have the practical effect of doing so. *Id.*

3 Here, Dr. Wise acknowledges ongoing licensing proceedings in multiple
4 jurisdictions. State licensing of professionals constitutes an important state
5 interest, and administrative proceedings typically provide adequate opportunity to
6 raise constitutional challenges.

7 Dr. Wise's civil RICO claims are not likely to succeed on the merits. The
8 complaint fails to allege a valid enterprise distinct from Defendants' official
9 governmental functions, lacks specific allegations of qualifying predicate acts, and
10 fails to show the required pattern of racketeering activity.

11 There may be other deficiencies on the merits that further undermine
12 Dr. Wise's likelihood of success, but these issues are more than enough for now to
13 deny his motion.

14 3. CONCLUSION

15 Accordingly, Dr. Wise's Emergency Motion for Temporary Restraining Order,
16 Dkt. No. 4, is DENIED in its entirety.

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18 Dated this 25th day of June, 2025.

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21 Jamal N. Whitehead
22 United States District Judge
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